

A
SECOND LETTER
TO THE
PROPRIETORS OF OTMOOR,
IN REPLY TO
MR. TAUNTON'S ANSWER
TO A
FORMER ADDRESS.

LONDON:

Printed by W. Wilson,

St. Peter's Hill, Doctors' Commons.

1800

*Thou shalt be
justly reviv'd*



IN addressing to the Proprietors of Otmoor, in a printed form, some considerations, which appeared to me to militate very strongly against the eligibility of Mr. Taunton to the management of a proposed bill for draining and dividing that common, and, still more forcibly, to supply a complete answer to any complaints on his part, that it would be an act of injustice to him to employ any other person, I was particularly cautious to advance nothing but what I considered as having been a matter of general notoriety, though it might, perhaps, from length of time, have become a little faded in the recollection of the gentlemen concerned. I concluded, and I could not do otherwise, that Mr. Taunton would feel highly indignant, even at such a plain exposition of facts, which, but for his attack upon me, I should rather have wished to have remained buried in oblivion, with the rest of the former animosities. When he openly threatened me with a prosecution, I was not greatly alarmed, as I knew there was nothing of a libellous tendency in the paper. His broad assertion that there was not one word of truth in it from beginning to end would carry its own confutation upon the face of it. I thought it

possible, however, that he might attempt something like a defence, though I was satisfied it could only be attempted by fallacies and misrepresentations. It was not improbable, as it usually happens, that his violence would be in proportion to the weakness of his cause, and that abuse would be brought in aid of sophisticated proof. But I must confess that "the answer" far exceeds every expectation I had formed upon those heads. More direct untruths, more ingenious subterfuges, and greater intemperance of language, it would be difficult to find within the same compass. Without adopting the coarseness of its stile, I think it incumbent upon me to reply to a publication, which may appear plausible to those who are unacquainted with the true state of the business.

Nothing but self-defence would have induced me to enter into any controversy of this nature, or could have occasioned my former address. Against the accusations which Mr. Taunton had sedulously propagated, both in public conversation and by letter, charging me with "unhandsome, illiberal, ungentlemanlike behaviour" towards him, by endeavouring "to supercede his claims" to the solicitorship of the Otmoor bill, I had no other remedy than to write immediately to all the proprietors, who are very numerous, and reside in various distant places; and printing

afforded the most commodious means. But that “ the paper was circulated with the greatest diligence and activity, not only amongst those whose interests it professes more immediately to have in view, but throughout the County, the University, and City of Oxford” I utterly deny. They were expressly sent only to those individuals who were most largely concerned as proprietors ; amongst these, to the Colleges of Magdalen, Queens, and Baliol, which are either patrons of the Otmoor churches, or have estates that enjoy a right of common. Some few copies were left in the country for the other proprietors who were unprovided with them, and which, I suppose, were given to almost any person who chose to ask for them. That I did not send a copy to Mr. Taunton, was really out of a delicacy which I despair of enabling him to comprehend ; besides it could not be long before he heard of them, and I had even some reason to suppose that he might have seen them in manuscript.

Mr. Taunton's answer to the first of my charges against him, “ that he intruded himself into the business, and stuck up the notices without the authority of a single person” is indeed of a most extraordinary nature, that “ those very notices were stuck up under my immediate directions.”

This proposition he has supported with some address, by asserting "that it can be proved, that his clerks waited upon me, and that I directed alterations to be made in the notices, and likewise he confirms it by my letter written soon after; and how," he triumphantly asks, "could it happen that an application to Parliament should be founded upon unauthorized notices?" All these arguments are extremely convincing, but there is a trifling secret which Mr. Taunton has not judged it expedient to divulge, a kind of charm, which, in one instant, will level with the ground all the specious fabric, not only of this, but of several subsequent articles of his defence.—The truth is, that Mr. Taunton stuck up *two different sets of notices*, the one in the year 1786, and the other set the year following.—Now, with great adroitness, he either compleatly *suppresses* the first notices, or *confounds* them both together, and applies to the *one* what belongs merely to the *other*.

The notices which I have accused him of sticking up prematurely and without authority, and which did all the mischief, were of course the *first* notices, those which were affixed in September 1786; the whole proof he has brought forwards to shew that they were fixed up under my express directions, relates to the year 1787; when the situation of the Otmoor business was

much changed, and Mr. Taunton, by means which I shall presently explain, had got a little footing in the concern. Thus, that I made some alterations in the notices of 1787, I admit, Mr. Sawyer's letter and my own are subsequent to them, and the application to Parliament was in the winter following. But has he alledged any circumstances to shew an authority for the notices in 1786? Where are his letters, his testimonies, and his vouchers, that can apply to that period?

I have by me a bill of Mr. Collisson in his profession, as my surveyor, where an article appears, in which he mentions, that he waited upon Mr. Taunton with Mr. Davis, upon the 5th or 6th of September, 1786, (a few days before those notices were affixed) to consult him—but in what capacity? As solicitor to an intended bill? To authorize him to stick up the notices? As the person employed by me in any capacity relating to it whatever? Or as being in any way connected, or concerned, with me in the business? No, his charge is expressly “for waiting upon Mr. Taunton to consult him *as the agent of Lord Abingdon* ;” in which light only, from being his attorney and his steward of the manor of Beckley, he was at that time considered. This is a distinction which should be carefully recollected, because, with his usual artifices, whatever might have been transacted with

him in one capacity, he may attribute to the other.

But I have another proof still more stringent, of the negative kind indeed, but it is a negative point I have to prove, and it is far more weighty than any positive evidence I could bring. A document, to the authority of which Mr. Taunton himself cannot object—It is intitled “A bill in the proceedings, preparatory to the intended division of Otmoor,” delivered in to me, and signed by himself. No person who knows Mr. Taunton, I believe, will refuse him the credit of a laudable diligence, in not omitting any fair opportunity of making the usual and honourable charges of his profession. There are certainly no articles more customary, or indeed more just in themselves, than those journies and attendances which take place when the solicitor and his employer meet together to converse upon the subject in hand, in person, or by their representatives, according to their local situation. Now, in the year 1787, many such charges are to be found, the same in substance, but in form ingeniously varied, under the description of advice, consultations, writing long letters, interviews, taking instructions, horse hire and expences, and a thousand such items. If Mr. Taunton had “put up these notices by the express directions of Mr. Croke himself,” and if “his clerk had so

repeatedly waited upon him at Studley," he would not have failed, as he was fairly intitled to do it, to have made some charges upon that account. Yet, in the whole of the bill for the year 1786, and even in that for 1787, previous to the eighteenth of August, not one such article is to be found, nor does the name of Mr. Croke, or of any of his agents, or of any one single proprietor once appear; for the whole consists of four articles, beginning in the month of September, and the only attendances and advice there mentioned, relate to two gentlemen with whom, at that time, I had no connexion or communication whatever.

1786.

£. s. d.

September.	Many attendances and advice on Mr.			
	Weston and Mr. Davis of Lewknor,			
	consulting about this business	-	-	0 13 4
	Drawing notice, pursuant to order of the			
	House of Commons, of the intended			
	division	-	-	0 1 8
	Five fair copies to affix on church-doors	0	2	6
10, 17, 24,	Journies to Beckley, &c. to affix same,			
	and horse hire.			

Not the smallest traces are here to be discovered of any communication with Mr. Croke, or of any directions from him. The attendances, if we may judge from the remuneration demanded, were certainly not very numerous. The interview with Mr. Davis was probably the same with that in which he accompanied Mr. Collisson,

whose name does not appear, and on what account this visit was made, and in what capacity Mr. Taunton was then considered, has been already explained.

Another proof that these notices were not stuck up under my immediate directions arises from internal evidence. The object with me was not merely the draining and division of Otmoor, but the complete inclosure of Horton and Studley, to which the other was only preparatory. It was thought that other parishes might wish to inclose likewise, and it was therefore a part of the original plan, that, to save the expence of separate bills, proper clauses should be introduced in the general act for that purpose. This was our intention in the very earliest stage of the business, and it formed a distinct article in the proposals which I delivered to Lord Abingdon in December 1786, and which I afterwards published in a little pamphlet upon the subject. To have carried this part of the plan into execution, it would have been necessary, in compliance with the standing rules of the House of Commons, that the notices affixed should have specifically comprehended such inclosures. Is it possible, therefore, that these notices, which extended only to the drainage and division of Otmoor, and consequently totally omitted to provide for a most material part of my plan,

could have been stuck up under my immediate directions? This conclusion amounts to an absolute demonstration, when it appears from the document, I have already had occasion to refer to, Mr. Taunton's bill, that the alterations which I wished to be made when the second notices were stuck up, were to this very effect; for the article is thus worded—"1787, August 19, Journey to Studley to consult Mr. Croke thereon (that is on the notices) by his desire before the same were fixed up, when he desired to have the waste grounds of the several parishes included in the notice."

Mr. Taunton asserts that he is able to prove a personal communication between me and his clerks, and that they repeatedly waited upon me at Studley, and took my instructions. But he further observes, that "these facts of personal interference and direction on the part of the doctor, owe their existence, probably, to the accidental circumstance of his residence in one of the Otmoor townships. Had he lived further off, it is most likely that no personal communication would have taken place between him and my clerks."—This he applies to the first notices, those of 1786. Here you have not only the fact of the communication asserted, but the reason of it—my being upon the spot. Now

will not the reader be much astonished to be told that at this time, that is, when the first notices were stuck up, and for some time before, and certainly during the whole month of September, when these interviews took place with Mr. Weston and Mr. Davis, I was actually two hundred and fifty miles off? Yet I can easily prove that I left Studley very early in August, and went into Yorkshire, where I continued till November.

Thus, in his very first pages, does Mr. Taunton stand convicted, and almost from his own mouth, not only of asserting what is totally unfounded in fact, in a matter too which was completely within his own knowledge, in pretending that he fixed up the notices in 1786, by my express authority; but likewise of a most gross imposition upon his readers, in support of it, by attributing to one year the transactions which took place in another. Here I might close my reply—a composition which bears in the very beginning such a specimen of bad faith is not intitled to any further answer. This single instance must impress itself upon the mind of my readers, as totally destructive of every claim to truth and credit, in every subsequent declaration from the same quarter.

But though I have fully proved that he was not employed as solicitor, and acted without au-

thority when he affixed the notices in 1786, it may be thought necessary that I should state the further progress of the business, and show how he became so much concerned afterwards, as to occasion the letters which he has produced.

It was an early, and I trust not a very blameable or dishonourable object with me, to improve my little patrimonial estate upon the banks of the Ray. With this view I employed some surveyors, as I have before often stated, who were particularly desired to examine into the state of Otmoor. From the pressure of other business, these inquiries were not made till late in the summer of 1786. I was unluckily obliged, by an unavoidable engagement, to visit the North early in August. At this time, though the practicability of draining this waste, and the great improvement it was capable of, were ascertained to my satisfaction, and I had resolved to attempt a drainage and division, yet no further step had been taken, except that, in order to discover with certainty who were the persons interested, it was thought expedient to procure copies of the land-tax assessments of all the Otmoor parishes from Mr. Taunton, who, as clerk of the peace, was bound to deliver them; by which means he became first acquainted with the business. In considering the mode of proceeding, common sense pointed out to us only one method, that of

communicating to the principal proprietors the result of our inquiries, and of obtaining their consent; and it was particularly laid down, as the very first and indispensable principle, that no one step whatever should be taken till Lord Abingdon had been consulted. It was much too late in the year, before we had sufficient grounds upon which to make these applications*, to know his Lordship's sentiments, and indeed of any other proprietors, and to advance so far as to justify sticking up any notices that autumn. Things were in this state when I went into Yorkshire. Upon my return in November, judge what was my surprize and mortification, to find the evil that had been done in my absence, that Mr. Taunton of his own accord had stuck up notices; that the whole country was up in arms; that petitions had been presented to Lord Abingdon by the poor people; that it must appear to his Lordship that instead of being the first, he was the last person consulted, and that there was great reason to apprehend, as afterwards proved to be the case, that he might be offended, and the whole plan ruined at once. As soon as I recovered from my astonishment, I hastened to repair the mischief as far as possible. I went to

* The land-tax assessments were not procured till the 11th of August, and the particular survey of the Moor upon which the observations and proposals were afterwards drawn up, was not made till the 5th and 6th of September.

London to have an interview with Lord Abingdon, he was gone to Bath, I followed him thither, and found that he was just returned to Thame Park. Here I saw him, but I found, to my unspeakable vexation, that the business was irretrievably done; he received me with coldness, and shewed every symptom of being displeased; he cut the conversation very short, and though he gave no decided negative, yet I saw enough in his manner to satisfy me that no hopes were to be entertained of his concurrence, unless some great alteration should take place in his sentiments.

This state of facts shews clearly the occasion of Lord Abingdon's displeasure—till that event I had good reason to believe that he would not have been adverse to the improvement of this common. Some time previous, I think from circumstances it was in the beginning of the same year, I had occasion to call upon him in Brook-Street, about some other affair. In the course of our conversation, he introduced the subject himself, and said to me, "Mr. Croke, Otmoor is a large piece of waste land, in which we are both concerned; is it not possible to turn it to some advantage?" As this was before I had examined the place, I only replied very generally, "that probably it might." I recollected his expressions so particularly, because they made a

strong impression upon me at the time. I reflected upon them afterwards, and this very conversation was one of the chief circumstances which suggested my subsequent inquiries, and produced a conclusion that his Lordship would have approved of the plan. This conversation having past between his Lordship and myself only, I can produce no witnesses to it, but I mentioned it to several persons at different times, soon after it took place. This being a private, confidential conversation, I could take no advantage of it in my subsequent public controversy; nor was I there at liberty to attribute his Lordship's opposition to any other motives than those which he openly avowed. It was well understood that he had been offended, some how or other, but whatever might be his real motives, no man would confess a supposed mere personal affront of that nature, as the ground of his opposition to a general measure, when he has much more popular and plausible reasons to stand upon.

In the spring following, I communicated to all the proprietors the result of my inquiries, in a little pamphlet which I printed and circulated, under the title of "A view of the possibility and advantages of draining and dividing Otmoor." Most of them were convinced by this statement and arguments. Many of them informed me of their sentiments upon it by letter, others I saw

in person, and it appeared that there was a very large majority in favour of an application to Parliament.

When the proprietors were thus prepared, by the necessary information, and their opinions were known, it was thought adviseable to hold a meeting. It took place upon the third of August, 1787. Most of the principal gentlemen concerned attended. Mr. Taunton appeared likewise, as was understood, still as the agent of Lord Abingdon; but without any request from the gentlemen present, he seated himself at a table, called for pen, ink, and paper, and began to act as clerk to the meeting. This conduct gave general offence: a principal proprietor, and who has been a warm friend to the inclosure all the way through, immediately called me out of the room, asked me under what authority Mr. Taunton was become solicitor to our intended application, expressed great indignation at his officious conduct, and proposed that a motion should immediately be made in the meeting to appoint some other person as a regular solicitor."—I informed him, "that I knew of no authority he had for assuming that situation, but I represented to him, that as the business was yet young, there would be sufficient time to appoint a solicitor at some future meeting,—that as Lord Abingdon had not given

an express refusal, it was possible he might yet be brought over—that as Mr. Taunton was his steward, however offensive his conduct might be, it was the safest policy not to take any measure that might make him our enemy at present, as it was possible he might have some influence with his Lordship.”—The gentleman acquiesced, after some difficulty, in my opinion ; we returned to the room, and Mr. Taunton continued at his table unmolested.—Such was the remarkable manner in which he made his first public appearance. I heard nothing of any courting him to accept of the office, of his blushing unwillingness to undertake it, then of our insisting, and pressing, and finally of his gracefully yielding, not even at last absolutely, but under conditions. Except for sticking up the first notices, which I have already dispatched, even in his bill, he has not thought proper to charge any one act done by him to this solicitorship till the eighteenth of August following. At this meeting, a resolution was made to call a general meeting, which was held upon the third of October following.

It was soon after this second meeting, that the letters which he has produced were written.—His long letter to his Lordship, urging arguments to induce him to give his sanction, is dated upon the eighth of October 1787.—It is to be

observed, that matters were now come to an explanation with Lord Abingdon. Though there was no great reason after the first notices to think him inclined to favour the measures proposed, yet it was not till his letter of the first of October, and which was delivered at the meeting on the third, that he expressly declared that he “ put his absolute negative upon them”—The warmth which he manifested at the commencement of this declared opposition shewed evidently his earnestness in it, and it was pretty clear that Mr. Taunton could entertain no hopes both of the Otmoor solicitorship, and that of his Lordship—one of them it was necessary to give up.—He resolved, however, to exert himself to concentrate both these lucrative situations in himself, and, notwithstanding his Lordship’s most positive declaration, to endeavour to win him over—This occasioned the letter of the eighth of October. When this attempt failed, and it became necessary to decide either for one or the other, his interest could not long hold him in suspense: On one hand a single transaction, on the other his Lordship’s constant employment, and the uncertainty of success might now prompt him to quit a falling house.

When Mr. Taunton found that Lord Abingdon was so extremely warm and decided in his

opposition, he would find it expedient, after having taken so decided a part in a measure to which his Lordship from the beginning had shewn little inclination, to make his peace with him, and in some oblique way to apologize for his conduct, which, take it according to his own representation, was not very guarded, or delicate, in proceeding to affix notices, and to take other steps, before he had obtained his Lordship's approbation, which, as his steward and agent, he was particularly bound to have waited for. Hence those very submissive passages in his letter to his Lordship,—hence the humble assurance “that if he signified his displeasure, he would wave every advantage he might acquire in the business, to that duty and obligation he held himself indebted to his Lordship, so long as he had the honour of being concerned in his Lordship's affairs,” (which was certainly a relinquishment of necessity, not of choice; for it could not be supposed that he would employ an attorney who was acting in opposition to him) and “in this opinion and conduct he should remain, unless his Lordship saw cause to consent to the plan as now altered and simplified.” It was no bad policy in apologizing for his conduct, to represent his concern as a business absolutely forced upon him, and even then accepted with great reserve, and under express conditions. But where, except in his own letter, are traces to be found of

an offer being ever made to Mr. Taunton, much more of any stipulations on his part? What offers or stipulations passed, and what were “the terms upon which it was known and understood that he originally engaged in the solicitorship,” when he first assumed the office without any authority, or communication with the proprietors whatever, and began to act in 1786 as a self-appointed solicitor?

Mr. Taunton sent me a copy of this letter, to which it seems I returned a reply, which he has printed, and relies upon much, as containing “warm expressions of my obligations to him, and my most unqualified approbation”—But to my apprehensions it is a mere short, cold, civil answer. It is contained in six lines, it acknowledges the receipt of his letter, not one word of the contents of which I have noticed whatever they were, and the copy of that to Lord Abingdon, to which I add “that I am much obliged to him, and approve very much.” Could I well, consistently with common politeness, say less? Could I do otherwise than approve of an attempt made by *any* person to persuade his Lordship to consent? To alledge powerful reasons, in favour of a measure so palpably beneficial, was not difficult, and I might well wish “that it had produced the desired effect.” That this letter cannot be distorted into any approbation of his ge-

neral conduct, he seems to admit, because I observe he is particularly cautious to describe it, as relating solely to "that instance." So far common justice and decency required that I should go, beyond that I have not proceeded one hair's breadth, and therefore it is the very kind of letter I certainly should have written towards a person who had intruded himself into the business, whilst I continued upon terms of civility with him. Nor should I have been picking straws with him for any trifling inaccuracy of statement that appeared in it.—But it is a circumstance of no small weight against Mr. Taunton, that having asserted that he was employed by me and acted under my directions, from before the first notices till he declined the business, that is, for a period of near a year and an half, during which time I was chiefly resident in London, and only came occasionally into the country; that after ransacking his files, and his drawers, he has been able to produce only this single letter, written at so late a date, in itself so completely meagre and formal, and which does not enter into any details upon the subject whatever.

Mr. Sawyer's letter is dated about the same time, upon the 28th of October, 1787. It is equally concise, and was written after Lord Abingdon's decided negative, and the neces-

sity which then was evident of relinquishing one or the other, has obliged Mr. Taunton to declare that he could not undertake the framing of a bill, if his Lordship continued to oppose, and his intention of writing to endeavour to bring him over. It relates clearly to these recent transactions, and cannot possibly be so construed as to raise an inference which proves any terms upon which Mr. Taunton "originally engaged" in the solicitorship. In which I have before clearly shewn that he engaged himself without any terms at all.

After this, when Mr. Taunton had "given up the concern," as he states it himself, though he ceased to be "an open and active, yet he continued to be a warm and sincere friend to the speculation," and "defies me to prove a single act of hostility done by him."—With respect to the warmth of his affections to the cause, it must have been entirely confined within his own breast, for no external effects have yet come to my knowledge. The transaction I have distinctly related, that of refusing the attendance of his clerk, is as great an outward act of hostility, as, under the circumstances of the case, he could have performed. The only inconvenience occasioned by it, he says, was "a little delay;" but, at that time, a little delay was of consequence. Upon looking into the proceedings, I

find several letters passed upon the subject; it required some little time, after his positive refusal, to obtain an order of the House—To this little delay it was owing, I will venture to assert, that the bill was lost.—It was introduced late in the Session, and it is expressly stated in my “Answer to the Case of Otmoor,” published at the very time, that the bill was put off, “because it was apprehended that there would not be time to go through the forms of the House before the prorogation of Parliament.” I might therefore, without much injustice, even have accused him “of a step completely destructive of the intended inclosure.” Whether this was the conduct of “a warm friend to the speculation,” or whether Lord Abingdon, who was certainly a man of high principles of honor, required such a sacrifice, I am not aware, but I knew what were the sentiments of the gentlemen upon the committee, and, indeed, of every one else,—tha it was not extremely delicate in Mr. Taunton, after he had thought proper to change sides, to take advantage of acts performed by himself, when he was, as he pretended, employed by the gentlemen who supported the bill. As to my own opinion at the time, if “I testified neither displeasure, or surprize, to the clerk,” I must call to Mr. Taunton’s recollection, that it was soon after when I met him accidentally in Chancery-Lane, and told him my mind upon this and other

kindred subjects so fully, and so energetically, that he did me the honour to remember it for many years after, and never met me without an indignant look, and a scowl upon his countenance, in which a scholar of Lavater would have distinctly perceived all that venom, which having rankled in his breast for a dozen summers, is now spit forth in "The Answer."

When Mr. Taunton denied his having been employed as solicitor in the petition presented by the commoners of Otmoor against the proposed bill, or as attorney in the law-suit against me, I must own I felt the same sensation as if a man had denied his own name. For, from the impressions I received at the time when these transactions took place, so little doubt had I that Mr. Taunton had been employed in those capacities, that I had totally forgotten that the name of Mr. Selwood or any other person had appeared in them at all. Immediately I heard of his denying these facts, I wrote to Mr. Hawksworth, who had the entire management of the law-suit on my part, and having taken uncommon pains in the conduct of it, was consequently minutely acquainted with every circumstance relating to it, and who having had no manner of connexion with Mr. Parker for some years must be considered as a perfectly disinterested witness. I inclosed him a copy of the address, and informed

him that Mr. Taunton denied having been employed in the business—The answer I received, after stiling Mr. Taunton “our old opponent,” goes on to say, “I always understood that he was the attorney principally concerned in the cause you tried at Oxford. Your letter is the first suggestion I have received of Mr. Taunton’s not being concerned as attorney, and it appeared to me matter of surprize.” The same idea prevails with every other person who knew of what was transacted at that time, with whom I have ever conversed upon the subject. There is good reason to believe that the opinion was not destitute of foundation. Nothing is more usual in the profession of the law, than for one attorney to make use of the name of another, for any purpose where they do not chuse their own names to appear. If Mr. Taunton had no concern in this business, directly or indirectly, how did it happen that the agent in London, who conducted the suit till the trial, was at that time Mr. Taunton’s known agent, but who neither was employed at that time, or ever had been before, or has been since, as Lord Abingdon’s attorney in London, or as agent to his London attorney, or to Mr. Selwood? In every part of the transaction, in every communication with the agent, it was uniformly and invariably considered as Mr. Taunton’s business.—By Mr. Taunton’s agent the whole suit was conducted till the trial, and will

the name and presence of Mr. Selwood upon that occasion, or of fifty other persons, who might appear as the ostensible attornies in the cause, prevent all the world from drawing a fair conclusion, that Mr. Taunton, as Lord Abingdon's attorney, was concerned likewise in fact and reality, whatever pains might be taken to save appearances? But the strong impression which was made at the time upon the minds of those who were most conversant in the business, who had the best means of knowing, and who could not be deceived upon this point, is a still stronger proof than any particular circumstances which can be adduced, after so long a period—Impressions remain after the circumstances which have occasioned them, are totally forgotten; and no man can believe that the attorney employed on my behalf could have been so perfectly convinced, as never to have entertained a doubt to the contrary, that Mr. Taunton was employed as attorney, unless very strong circumstances had occurred at the time, to have produced such a conviction.

The impression respecting his being concerned in the petition against the bill is equally strong, and the same argument will hold good. Mr. Taunton says, that "he may be ignorant, or he may have forgotten that such a petition was ever presented." Is it possible that he should have

been unacquainted with a petition procured by Lord Abingdon's agents in the country, and signed by one hundred and sixty-nine persons, of whom, many of the tenants of the manor of Beckley, of which Mr. Taunton was steward, formed a considerable part? Is it possible that, interested, as he states himself to have been, in favour of the inclosure, that he should have forgotten so very material a circumstance in opposition to it? Or how is it to be accounted for, that he should remember so exactly the paper controversy between Lord Abingdon and myself, as to introduce it in argument against me, and yet should have no recollection whatever of this petition which is there fully stated, and made a principal ground of opposition to the bill?

Nothing but an inclination to cavil, and to find some shelter in the compassion of his readers, could have induced Mr. Taunton to accuse me of having insinuated that he "was guilty of a subornation of perjury," and what is still more extraordinary, that I have "wantonly thrown out foul aspersions to attack the good name of Mr. Selwood," which I had neither mentioned or alluded to; I perfectly subscribe to the high character which is drawn of that gentleman, and with respect to Mr. Taunton himself, I do here most explicitly and unequivocally acquit him of such charge. I declare, that I had no

intention of accusing him of it, and I took particular pains to express myself so guardedly, that no such conclusion could be drawn. I have stated two propositions, as completely distinct from each other, and as unconnected, as it is possible for them to be stated—Mr. Taunton's employment, and the perjury of the witness.—But I am so far from having insinuated that he was suborned by Mr. Taunton, that I have not even asserted or insinuated that he was suborned at all. A witness may swear falsely of his own accord without any subornation. I have merely asserted, that the witness in question had *sworn falsely*; that a witness is *suborned* to swear falsely, is another distinct crime, a crime which I have not asserted to have been committed by any one, much less by Mr. Taunton. Neither could such a conclusion be drawn, by any just rules of construction from the sentence, that “such was Mr. Taunton's concern in the former application:” for the expression, instead of particularly relating to what immediately preceeded it, is a mere repetition of the very words which I had used at the beginning, and which were again repeated as mere words of connexion,—of conclusion to what I had to observe of the former part of the business, and of transition to the latter.

I come now to the concluding part of Mr. Taunton's answer, in which, stepping beyond the line of self-defence, he becomes an accuser. I shall pass lightly over many passages which are manifestly too absurd, or too trifling, to require an observation.

Amongst these may be enumerated the doubt by what rule in arithmetic the sum of nearly three hundred pounds, which I said I had expended in promoting this draining and inclosing bill, is to be calculated. Were I to descend to a pitiful detail of pounds, shillings, and pence, it is a problem which I could easily solve, and I could even produce three bills paid by me in that business, which amount to upwards of two-thirds of the money. If the demands of some gentlemen, whom he mentions remain yet undischarged, I know of no obligation which pressed upon me to satisfy them more, than any other person who supported the application to Parliament.

No other person, I believe, would consider the manner in which I have mentioned the name of a deceased nobleman as "sneering and contemptuous." With his Lordship I had no personal difference; I always lamented that the indiscretion of others had involved us in contests and litigations. Long before his death, every

little spirit of animosity had completely subsided. Even messages replete with mutual civility and respect had frequently passed between us, some of them highly flattering to myself. Had it even been otherwise, I am not so ungenerous as to carry my enmities beyond the grave. How far Mr. Taunton's "interference" can be considered as of "the most delicate and guarded sort," and full "of respect and gratitude to the memory of that nobleman," in having taken measures to revive this inclosure, without consulting his representatives, as he originally engaged in it without his approbation, I leave to himself to explain.

To contradict the mere unsupported assertions of a man already convicted of advancing what is untrue is needless. Yet, when he declares, that "nothing of an intention of reviving this inclosure ever came from my lips to him, and that this assertion, *like my others*, is void of all foundation," not to mention that it is a language which I have uniformly held, and the improbability that having laboured this point whilst it was opposed, I should think no more of it when it ceased to be so, I cannot help relating a conversation which passed between us about two or three years since. I met him accidentally in the hall, in Doctors' Commons, and I think we went into the outward court for the greater con-

venience of discourse. We talked upon the old subject of Otmoor, and so far from my not expressing any design of ever making further attempts, that Mr. Taunton even encouraged me with the hopes of the practicability of reviving the measure at *that time*, and expressly told me *that he believed Lord Abingdon might then be persuaded to consent, and promised to take an opportunity either of writing, or speaking to him himself upon the subject, the result of which application he would communicate to me.* I heard, however, no more of the matter. The fact of our talking together, was probably observed by many gentlemen present, and I can bring proof that I mentioned this conversation, and the purport of it, soon after it passed.

But Mr. Taunton's principal accusation against me, is that of introducing my brother-in-law, Mr. Parker, to the office of solicitor. I have no occasion to repeat what I before stated, that I never proposed that gentleman till after Mr. Taunton himself had deserted us, and every other person, whom the proprietors had wished to appoint, having refused, they were absolutely at a loss whom to think of. Such was his first introduction, and I cannot but observe that in this respect, the beginning and end of Mr. Taunton's pamphlet are not perfectly reconcileable—for much of his own defence is founded upon my

having employed him as early as possible ; and yet it is a great part of his accusation against me, that I was eager to thrust Mr. Parker upon the proprietors. Upon reviving this business, there was much to be done before the proprietors could be consulted as to the appointment of a solicitor ; I wrote to the chief of them myself, but there were many whom it was necessary to see personally, to discover what prospect there was of obtaining their consent ; notices were likewise to be affixed. For these purposes whom should I employ but the same gentlemen, who had solicited the former bill, who were perfectly acquainted with the whole business, were known to the proprietors, and had before met with their approbation ? That one of them was related to me was even a recommendation, because I knew that I could rely upon his zeal, and best exertions—But how have I dictated to the proprietors ? Even in my letter, which was provoked by Mr. Taunton himself, I have merely stated what I thought the respective merits or demerits of the parties, and left the proprietors to judge for themselves. In this statement, and recommendation, besides the justice and reasonableness of the thing itself, I am not ashamed to avow that I felt what no man need be ashamed of avowing, and which every man ought to feel, not “ a mean ambition,” but an honest interest in supporting openly and honourably the fair pretensions

of a person with whom I was connected as a relation. But the two questions are perfectly distinct. My objections to Mr. Taunton are independent of any recommendation of Mr. Parker. Whether Mr. Taunton had an exclusive claim to the solicitorship, was one point; if he had not, who *should* be employed, was another—I should have made the same objections against Mr. Taunton, if no such person as Mr. Parker had existed.

How he can justify asserting, that what he is pleased to term “my late attack upon his character,” was induced by “no other motive than that of superceding his claims, by the introduction of my brother-in-law,” I am at a loss to discover, when I made the same “attacks” upon him in person, in the interview before related in Chancery-Lane, and to other people whenever I had occasion to mention the subject, long before Mr. Taunton had ever thought of advancing such a claim, when Mr. Parker was really employed as solicitor, and consequently when I could have no other motive for my accusations, than a just and natural indignation at his conduct.

But Mr. Taunton insinuates that I have “other motives in view; that I have made other claims beyond the extent of the verdict obtained; and that the great object with me, in placing Mr.

Parker in the situation of solicitor, is to protect those claims from being questioned when and in the manner they ought to be." In bringing forwards a charge of this nature, candour required a more particular statement—Such dark allusions are well calculated to excite the odium and jealousy of the proprietors. It is difficult to conceive what claims *could* be made beyond the extent of that verdict, because every matter in dispute, every point I could wish, was then completely established, namely, that every part of the Studley estate, both in Oxfordshire and Buckinghamshire, had as good a right of common as that of any other proprietor. But, fortunately, the whole business is already before the public; I can shew what was actually done before under the solicitorship of Mr. Parker, and what was proposed to be done again, and can completely repel every insinuation, that I have attempted either before, or now, to establish *any claims whatever*, by any controul that I could have been suspected of having acquired over the intended bill.

The original bill, with the signatures of most of the gentlemen who supported it, is now in my possession; it was likewise printed, and many copies are still extant. This bill was drawn up when Mr. Parker was actually the solicitor, and consequently I had the opportunity, which he

now accuses me of seeking, to take an improper advantage, if it could be taken, to support indefensible claims. Upon this revival of the inclosure, I have constantly held out the same bill, as the basis upon which I thought we should proceed. It was founded upon the same principles which I originally proposed—they were discussed, canvassed, and agreed to in several meetings, publicly and privately—I never yet heard them objected to—they were fair and equal in themselves. The draft of the bill itself, before it was ingrossed, was submitted to the consideration and underwent the alterations of many of the gentlemen who had most interested themselves in the business, particularly of Mr. Walker, on behalf of his Grace the Duke of Marlborough, without whose advice and concurrence no one step was taken. I shall now copy all those clauses of the bill which can relate to this question, in which the public will perceive that there is not one word relating to my claims in particular; that there are no passages which even recite, much less establish, any particular pretensions on my part; that there were no specific directions to the commissioners, as to the rights of any particular persons, but that every question of claim or right, was left entirely open to their decision.

The preamble recites—“ And whereas there are certain townships or hamlets within the said several parishes, that is to say, the townships of

Beckley, and the hamlets of Horton and Studley, within the said parish of Beckley; the township of Noke, the township of Oddington, and the township of Charlton, and the hamlets of Fencott and Moorcott, within the said parish of Charlton. And whereas the Right Honourable the Earl of Abingdon is Lord of the manor of Beckley, with Horton, and, then reciting the name of some other proprietors, amongst the rest of Alexander Croke, Esq. it states that “they are respectively owners and proprietors of inclosed and other lands and grounds, and as such, are *or claim to be* intitled to a right of common upon and over the whole of the said waste.”— So that even my right of common itself, which was established by the verdict, is not expressly declared, and defined by the act, which states only that I am, *or claim to be*, intitled. After other usual clauses, the commissioners are directed “to ascertain the full and improved yearly value of the several lands having or claiming to have right of common upon the said Moor;” and then, “to divide, set out, and allot the said common or moor unto or between the said several and respective townships and hamlets, or the owners or proprietors of lands and messuages within the same respectively, *having a right of common thereon* (not merely claiming a right of common thereon) in proportion (quantity and quality considered) to the amount of the yearly

value of the whole of such lands, within each of such townships and hamlets respectively, having such right of common as aforesaid." Is it possible to conceive an act where the claims of individuals and of Mr. Croke in particular are less defined, or left more open to be "questioned, where and in the manner they ought to be?"—For in a succeeding clause, the commissioners are empowered to hear and decide all questions relating to the proportions which were to be allotted to the proprietors.—"If any *difference or dispute* shall arise between any of the parties interested in the said division or inclosure, *touching, or in any wise concerning the proportions* of the said common or moor, so to be set out, it shall be lawful for the said commissioners, and they are hereby authorized and required, by examination of witnesses upon oath, and upon other proof, and upon other sufficient inquiry, evidence and satisfaction, *to hear and determine the same*; and such determination shall be binding, final and conclusive to all parties."

No rights then being defined in the act itself, and every question of claim referred to the decision of the Commissioners, it is the next step to inquire who were the persons appointed by this act, to whom all claims and disputes were referred, and who had this unlimited power of deciding upon them in the last resort? Were

they persons fixed upon by myself, or over whom I could flatter myself with having any improper influence, who could be induced by any motives to have acted with undue partiality to me, or to have allowed any claims that were unfounded, or without due inquiry? They were not, as is usual in most cases, one or two persons, sometimes of inferior stations, but they consisted of all the principal noblemen and gentlemen in the county, who were not interested as proprietors* — It is clear, therefore, that under this act, which was brought into the House under the management of Mr. Parker, my claims were left perfectly undecided, and open to be questioned; and if they were disputed, they

* The Names of the Commissioners appointed for carrying the Otmoor Bill into Execution.

The Right Hon. Charles Spencer, commonly called Lord Spencer. The Right Hon. Philip Lord Viscount Wenman. Sir Clement Cotterell Dormer, Bart. The Right Hon. Sir John Skinner, Knt. The Hon. Sir William Henry Ashurst, Knt. The Hon. Andrew Foley, Christopher Willoughby, William Lowndes, Francis Page, Oldfield Bowles, John Weyland, Arthur Ansley, John Coker, George Schutz, Joseph Bullock, Robert Peers, John Blackall, John Blackall, Junr. James Jones, Charles Edward Jones, Thomas Walker, John Bush, George White, Esqs. The Rev. Joseph Chapman, D. D. The Rev. John Cooke, D. D. The Rev. Thomas Nowell, D. D. The Rev. Nathan Wetherell, D. D. The Rev. Arthur Onslow, D. D. The Rev. John Dennis, D. D. and the Rev. Thomas Harrison, D. D.

were referred to the determination of a tribunal greatly above all exception.

Thus I have replied to every part of Mr. Taunton's answer, which seemed to require any attention. But not to lose sight of the real question between us, even allowing every word advanced by him to be true, still he is far from having made good his exclusive claim to this solicitorship, which he accuses me of having endeavoured to supercede, and which accusation is the sole point in the present altercation. Supposing it could be granted, that he was originally engaged with the fullest approbation of the proprietors, or that he accepted the office conditionally, yet, as he relinquished it (to use the mildest terms) for his own greater emolument, at the very commencement, and the whole of the duties, except merely sticking up the notices, were performed by other gentlemen, what right has he now to come forwards to reassume what he had abandoned, and to supplant the gentlemen who solicited every part of the former bill. When he deserted the business, no matter from what motives, from that moment he forfeited every claim to it upon the ground of pre-occupancy, and original merit, if any had really existed.

In the course of this letter, I have proved, and, I trust, to the conviction of my readers, the

propositions which I had originally advanced, and have completely exposed the unfounded assertions, the fallacies, and the deceptions of which Mr. Taunton's defence entirely consists. It should be constantly remembered, that, in this unpleasant dispute, I was not the aggressor, and that the motive of my original address was merely to repel an unprovoked attack, and to resist a claim, which appeared to me to be no less bold than indefensible. In reply to a plain statement of facts, on my part, unaccompanied with any observations upon them, much less with any harsh or personal reflections, the most offensive and illiberal terms of abuse, and even of criminal accusation, have been profusely heaped upon me. A person who applies to another such serious epithets, should, in justice, have been able to prove that they were merited, in prudence, should have been cautious that they might not recoil upon himself. A pamphlet containing charges of want of veracity and calumny, should, at least, have been free from such imputations—but I disdain to retort scurrilities, which, though strictly and deservedly applicable to the person who first used them, would disgrace even the cause of truth. If I were Mr. Taunton's enemy, I could not have been more gratified than by the publication which I am now considering. But I can safely protest, that I entertain towards him no malevolence whatever.

As to the substance of this dispute, I have confined myself to what was absolutely necessary for my own defence ; as to the manner in which he has thought proper to carry it on, sentiments very different from those of resentment are excited in my mind, when I see a man, after violating the sacred obligations of correctness and candour, impelled by the vehemence of his passion, totally to forget that politeness of manner, which is always observed amongst gentlemen, even in their severest contests, the decorum due to those whom he was addressing, and the respectability of his own situation and character, and even to lay himself open to the vengeance of the laws—Whatever apprehensions he may feel of being injured by my accusations in the opinion of the public, without anticipating their judgment, I will venture to pronounce, that he will suffer more, in their estimation, from his *present* conduct, and his *own pen*, than from any former charges, either true or false, which it has been in my power, or in that of any other person, to alledge against him.

I have the honor to be,

Gentlemen,

Your most obedient humble Servant,

ALEXANDER CROKE.

Doctors' Commons.
15th December, 1800.

W. Wilson, Printer,
St. Peter's Hill, Doctors'-Commons.

